



Attorney Docket:
33082 M 115

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Takayuki TOSHIMA, et al.
Serial No. : 10/052,534 Art Unit : 1746
Filed : January 23, 2002 Examiner : Michail KORNAKOV
For : Substrate Processing Apparatus and Substrate Processing Method

RESPONSE TO SECOND WRITTEN ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir :

A response to the Office Action mailed July 22, 2005 is due by August 22, 2005.

The Action required restriction between Group I of claims 1-9, drawn to a substrate processing apparatus, and Group II of claims 10-19, also drawn to a substrate processing apparatus.

Applicants hereby elect Group I of claims 1-9, for further examination in this application. However this election is made with traverse for at least the following reasons.

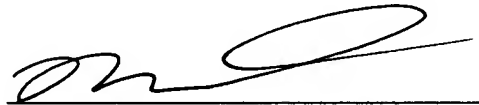
The MPEP states, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added). See MPEP § 803. Applicants already have received a first restriction requirement, followed by a

first action on the merits in this application. The first action on the merits was dated October 8, 2004 and considered all of the subject, elected claims 1-19. Accordingly, since the Examiner of record already has searched and considered the claims of both of the now alleged Groups, there can be no showing of undue burden on the Examiner. Hence, in compliance with the MPEP, this second restriction requirement should be withdrawn and routine prosecution should resume for claims 1-19.

For the above reasons, Applicants respectfully request that this second restriction requirement be withdrawn and prosecution of all of claims 1-19 continued.

Respectfully submitted,

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MAM/BLN